

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KRISTOPHER W. BOYD, and
JEFFREY L. RETZLAFF,

Plaintiffs,

v.

CITY OF CUMBERLAND,
OFFICER JOHN SMITH and
OFFICER STEPHEN ZIMMER,

Defendants.

ORDER

09-cv-268-slc

The motion of defendants City of Cumberland, Officer John Smith and Officer Stephen Zimmer to sever the plaintiffs and defendants under Fed. R. Civ. P. 20 is GRANTED. The claims of plaintiffs Kristopher W. Boyd and Jeffrey L. Retzlaff arise out of two unrelated incidents, one involving an arrest of plaintiff Retzlaff by defendant Smith in January 2007 and the second involving an arrest of plaintiff Boyd by defendants Smith and Zimmer in March of the same year. Rule 20 allows joinder of plaintiffs if “they assert any right to relief joint, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences.” Plaintiffs do not

meet this criterion. They assert that there are issues of fact in common, such as the indicia of probable cause for the arrest of persons accused of driving while intoxicated and the training that defendant City of Cumberland gives its officers, but they have no allegations to support their assertion at this time and even if they did, there is little reason to believe that potential similarities in two arrests would support a finding of a pattern or practice of illegal police work.

Entered this 25th day of August, 2009.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge